

ORAL ARGUMENT HELD MAY 16, 2025
Nos. 25-5091, 25-5132

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL TREASURY EMPLOYEES UNION, ET AL.,

Plaintiffs-Appellees,

— v. —

RUSSELL T. VOUGHT, ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Columbia
Case No. 24-cv-0381-ABJ (The Hon. Amy Berman Jackson)

**MOTION OF 41 NONPROFIT VETERANS, LEGAL SERVICES,
AND CONSUMER ORGANIZATIONS FOR INVITATION TO
FILE BRIEF AS AMICI CURIAE IN SUPPORT OF APPELLEES’
PETITION FOR REHEARING EN BANC**

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MOTION FOR INVITATION TO FILE BRIEF AS AMICI CURIAE

Proposed amici curiae, a group of 41 nonprofit organizations located in 18 states and the District Columbia, respectfully request an invitation from this Court to submit a brief as amici curiae in support of the petition for rehearing en banc filed by Plaintiffs-Appellees National Treasury Employees Union et al. D.C. Circuit Rule 40(f); *see, e.g., Campaign Legal Ctr. v. Fed. Election Comm’n*, No. 22-5339 (D.C. Cir. Mar. 11, 2024) (granting such a request). Counsel for all parties have consented to the filing of this brief. *See* Fed. R. App. P. 29(a)(2); D.C. Cir. R. 20(b).

The request should be granted because amici have an important interest in and perspective on the continued viability of the Consumer Financial Protection Bureau (CFPB) for information, enforcement, and client education. *See Washington All. of Tech. Workers v. U.S. DHS*, 50 F.4th 164, 193 (D.C. Cir. 2022) (noting that courts have “broad discretion to allow amicus briefs when they provide unique information or perspective” (internal quotations omitted)); *Neonatology Assocs., P.A. v. C.I.R.*, 293 F.3d 128, 131 (3d Cir. 2002) (Alito, J.) (“[A]n amicus who makes a strong but responsible presentation in support of a party can truly serve as the court’s friend.”). Amici offer the Court significant information about the role of the CFPB in protecting the financial security of American consumers and the financial stability of the United States economy from the standpoint of those communities that have directly experienced that protection.

This Court accepted the brief submitted by these amici curiae at the panel stage, and one member of the panel explicitly relied on the brief, *see NTEU v. Vought*, 149 F.4th 762, 796 (D.C. Cir. 2025) (Pillard, J., dissenting). Although Amici are aware of four other potential amicus briefs in support of Appellees, amici believe that separate briefs are necessary because this brief offers the distinct perspectives of national, state, and local nonprofit organizations from across the country that advocate for the ordinary Americans who would face inordinate harm if the CFPB is eliminated and its statutory functions ceased. *See* D.C. Cir. R. 29(d).

I. INTERESTS OF THE PROPOSED AMICI CURIAE.

The proposed amici curiae rely on the CFPB as a vehicle for effectively protecting consumers and small businesses from unfair and deceptive market practices. Amici include organizations that serve populations at particular risk of fraud and deception in the lending market—including populations that Congress mandated that the CFPB assist. Other amici contribute to and benefit from generally applicable CFPB rulemakings and guidance. Still others use CFPB materials to support their clients. Together, these organizations hold a keen collective interest in the continued viability of the CFPB as Congress established it in the Dodd-Frank Act.

The array of amici curiae submitting this brief—from organizations dedicated to serving veterans and older Americans to those focused on housing, and from providers of free legal services to advocates working in state

legislatures—are particularly well suited to articulate the interests of the myriad sectors of the American population that benefit from the CFPB’s work and that will suffer the consequences if Defendants are successful in their attempt to dismantle the Bureau.

The **Center for Consumer Law & Economic Justice** at U.C. Berkeley School of Law is the leading law school research and advocacy center dedicated to ensuring safe, equal, and fair access to the marketplace. Through regular participation as amicus curiae in this Court and courts around the nation, the Center seeks to develop and enhance protections for consumers and small businesses. The Center appears in this case pursuant to its interest in the continued viability of the CFPB and the Bureau’s critical role in safeguarding vulnerable populations and educating, serving, and protecting all Americans.

Tzedek DC’s mission is to safeguard the legal rights and financial health of DC residents with low incomes dealing with the often-devastating consequences of abusive debt collection practices and other consumer related issues. Tzedek DC has a substantial interest in this case because the CFPB’s work bolsters Tzedek DC’s ability to provide clients with legal representation in consumer-related cases, and CFPB research, rulemakings, and public-facing resources support Tzedek DC clients and the community Tzedek DC serves.

Working in parallel to the CFPB, **Protect Borrowers** (a fiscally sponsored project of Shared Ascent Fund) investigates financial abuses, takes predatory

companies to court, and pushes for policies to protect working people from debt traps. It relies on CFPB reports and consumer complaints to develop policy recommendations and identify industry bad actors. Protect Borrowers also supports CFPB rulemaking and advocates for state consumer protections that complement the agency's federal work.

Americans for Financial Reform Education Fund (AFREF) is an independent, nonprofit organization founded by a coalition of more than 200 consumer, investor, labor, civil-rights, business, faith-based, and community groups working to lay the foundation for a strong, stable, and ethical financial system. Through policy analysis, education, and outreach, AFREF advocates stronger consumer financial protections. AFREF supported the CFPB's creation and strongly supports its mission to protect consumers.

Consumer Advocates Against Reverse Mortgage Abuse (CAARMA.org) is a nonprofit consumer advocacy organization focused on protecting elderly homeowners from foreclosure and financial harm arising from reverse mortgage lending and servicing. The CFPB complaint process is a valuable tool that empowers consumers to raise and resolve issues they face with reverse mortgage servicers, providing a critical voice for those who might otherwise be unheard.

The **CASH Campaign of Maryland** (Creating Assets, Savings and Hope) promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland.

The **Center for Digital Democracy**'s digital financial consumer protection focus includes providing CFPB with the latest and most relevant analysis on the relationship between the digital marketplace and online consumer protection.

The **Center for Economic Integrity** builds economically strong communities for all and opposes unfair corporate and government practices. Its mission includes advocacy for laws and policies that preclude economic oppression imposed by financial institutions, lenders and governments on consumers of financial services, particularly low income, underrepresented, and rural-based consumers in Arizona.

Center for Elder Law & Justice (CELJ) provides older adults with free legal assistance for a variety of legal issues, including help for victims of financial exploitation, scams, debt collection lawsuits (nursing home debt, medical debt, credit card debt, automobile loans, etc.), disputes with utility companies, contract disputes with contractors and businesses, among other things. CELJ relies on CFPB educational resources to supplement its ability to serve the community with its limited resources, often uses the complaint process to get results for scam victims or victims of predatory practices when the perpetrators do not respond to its attorneys' efforts, and relies heavily on the rulemaking/CFPB guidance on debt collection matters, especially in the area of nursing home and medical debt collection, which has been an area rampant with abusive practices, including nursing homes suing non-resident third parties who have no liability on the debt

and medical providers suing over claims they should have submitted to insurance but did not.

The **Center for LGBTQ Economic Advancement & Research (CLEAR)** develops research and understanding about the financial security and needs of LGBTQ people, organizations, and communities, in order to facilitate the development of innovative products, services, and solutions that are LGBTQ-competent and affirming so that all people can receive the benefits of fair treatment and equal opportunities in the economy to advance their unique financial goals and thrive. CLEAR's work is enhanced by the guidance that CFPB creates and the regulations that it enforces for creditors, depository institutions, and capital markets to be free from deceptive practices and invidious discrimination that repeatedly cause harm LGBTQ consumers, organizations, and communities.

The **Center for Responsible Lending (CRL)** is a non-partisan, nonprofit research and policy advocacy organization working to promote financial fairness and economic opportunity for all, end predatory lending, and close the racial wealth gap. CRL has extensive experience in consumer protection legal issues, including supporting strong state and federal consumer protections.

The **Community and Shelter Assistance Corp. (CASA) of Oregon** assists underestimated and historically discriminated communities to acquire assets and the tools needed to thrive.

Community Economic Empowerment Network empowers Latino and immigrant families through financial education, consumer rights advocacy, working to ensure fair credit practices and protection from predatory financial abuses.

The **Connecticut Veterans Legal Center** provides legal representation at no cost to low-income veterans, many of whom have been targeted by fraudsters and predatory lenders with the expansion of veterans benefits through the PACT Act. The CFPB has made the process for seeking redress easier for our clients and, by enforcing consumer protection laws, the CFPB has made the financial marketplace safer for those like our clients most likely to be targeted by unscrupulous lenders, merchants, and vendors.

Consumer Action, a non-profit 501(c)(3) organization, has been a champion of underrepresented consumers nationwide since 1971. Consumer Action focuses on consumer education that empowers low-to-moderate-income and limited-English-speaking consumers to financially prosper. Consumer Action advocated for the creation of the CFPB and has worked to support its role as a highly effective financial regulator with a mandate to ensure accountability for fair and transparent consumer financial transactions—and consumer protection—in the marketplace. Consumer Action has engaged with the CFPB, regularly sharing consumer perspectives and advocating for reasonable rules and actions related to credit cards, credit reporting, mortgages, foreclosure prevention, student loans,

debt collection, language access, and especially its first-in-class complaint process and public complaint database.

The **Consumer Federation of America (CFA)** is an association of nonprofit consumer organizations established in 1968 to advance consumer interests through research, advocacy, and education. CFA relies on the CFPB to ensure access to fair, transparent, and competitive financial markets for all consumers.

Consumers for Auto Reliability and Safety (CARS) has successfully spearheaded enactment of legislation to curb excessive and discriminatory lender markups, make buying new and used vehicles more affordable and less risky, and improve protections for members of the U.S. Armed Forces against predatory lenders.

DannLaw is a consumer protection law firm headed by former Ohio Attorney General Marc Dann and strongly supports the continued existence of the CFPB.

Legal Aid DC is the largest and oldest legal services organization in Washington, DC. Legal Aid DC serves populations that are most vulnerable to consumer fraud and rely on CFPB's rules and enforcement to protect consumer rights.

Legal Assistance for Seniors provide free legal services to low income older adults in consumer protection matters.

In order to help victims of predatory scams—often clients who are elderly and who have disabilities—lawyers at **Mid-Minnesota Legal Aid** rely on the expertise, connections and remedies afforded by the CFPB.

Minority Veterans of America is a nationwide nonprofit organization with a mission to create belonging and advance equity and justice for our nation’s most marginalized and historically underserved veterans. Recognizing that social and structural inequities lie at the heart of inequity and create emotional and financial instability, MVA’s advocacy efforts focus on systemic policy changes that will improve the lives of vulnerable service members and veteran populations.

Mobilization for Justice (MFJ) provides direct civil legal assistance, conducts community education and builds partnerships, brings impact litigation, and engages in policy advocacy on behalf of New Yorkers. Through MFJ’s economic justice work, it relies on the CFPB to help our clients with enforcement actions, rulemaking, and complaint collection in numerous areas, including debt collection, mortgage servicing, student loans, and predatory practices and products.

Mountain State Justice (MSJ) represents low-income consumers in litigation related to mortgage loan servicing, abusive debt collection, predatory lending, auto fraud, and credit reporting cases. MSJ engages in advocacy alongside and on behalf of its clients at the local, state, and national level.

The **National Association of Consumer Advocates** (NACA) is a nonprofit association of more than 1,600 attorneys and consumer advocates committed to

representing consumers' interests. As a national organization fully committed to promoting justice for consumers, NACA's members have also long advocated to ensure that consumers have remedy and means of redress of injuries caused by unfair practices.

National Fair Housing Alliance is a national organization dedicated to ending discrimination and ensuring equal opportunity in housing and related services such as mortgage lending for all people. It works with the CFPB as well as partners around the country to enforce the Equal Credit Opportunity Act, among other civil rights laws.

Since 2005, **New Economy Project** has operated a free legal assistance hotline through which it has helped thousands of low-income New York City residents resolve legal issues stemming from abusive debt collection lawsuits, credit reporting problems, unfair banking practices, and other financial practices that perpetuate poverty and inequality. The CFPB plays a critical role in administering and enforcing vital federal laws we rely on daily to help low-income New Yorkers fight back against predatory and abusive financial practices.

In collaboration with state and national partners, **New Jersey Citizen Action** (NJCA) has worked to advance the mission of the CFPB to protect consumers in New Jersey and across the country from financial harm since the Bureau opened its doors. Through advocacy and organizing NJCA has educated stakeholders and elected officials in New Jersey about the work of the Bureau and the importance of

having a strong, independent and fully funded CFPB to end unfair and deceptive acts and practices in the banking and finance industries.

Founded in 1990, **New York Legal Assistance Group (NYLAG)** is a leading civil legal services organization combatting economic, racial, and social injustice by advocating for people experiencing poverty or in crisis. NYLAG's clients are disproportionately targeted by predatory and abusive market actors, and the continued viability of the CFPB is crucial to ensuring our clients are protected from such practices.

Oregon Consumer Justice (OCJ) works to advance consumer rights and end unfair and predatory practices that strip wealth and resources from consumers and families. OCJ's efforts span policy, education, engagement, and the law to build a future where people come first.

People Power United champions fairness and dignity by standing up to predatory practices, holding corporations accountable, and ensuring everyday people—not the wealthy and powerful—have a fair shot in our economy.

Project GREEN, in partnership with Americans for Financial Reform Education Fund (AFREF), conducts public education and outreach activities to support consumer financial protection and financial justice, including research on predatory lending and advocacy for CFPB protections at the federal level.

Prosperity Indiana builds a better future for our communities by providing advocacy, leveraging resources, and engaging an empowered network of members

to create inclusive opportunities that build assets and improve lives. Prosperity Indiana believes in a society where all persons can live and work in an environment that provides equitable access to economic and social opportunity.

Public Counsel's Consumer Rights and Economic Justice team works to protect consumers from fraud, predatory lending, and unlawful debt collection. Public Counsel and its clients rely on the CFPB's enforcement and complaints mechanisms to help resolve individual issues and systemic problems in lending and debt collection.

The **Public Justice Center** is a legal advocacy organization that protects and expands the rights of low-wage workers, low-income renters, health care consumers, and other client communities. PJC's clients rely on the protections and supports provided by the CFPB to avoid predatory practices in rental housing, consumer debt, including medical debt, and other ways they must fight and protect their families from the high cost of poverty.

Rise Economy is a California-based alliance representing over 300 member organizations that work to create systemic change and economic justice in BIPOC and low-income communities. Rise Economy has long advocated for strong consumer protections, including the creation and authority of the CFPB in order to mitigate the harm caused to communities by predatory institutions and actors.

At the **Family & Veterans Advocacy Clinic at Texas A & M School of Law**, we assist our veterans in a holistic manner, as well as our elderly and

domestic violence survivors. The clinic frequently sees clients who have suffered financial losses due to unscrupulous lenders. The removal of the CFPB's protections, especially enforcement protections, will only allow a proliferation of the unfair lending practices and consumers will no longer have protections afforded through this agency.

Texas Appleseed advocates for just solutions to problems that impact the financial well-being of Texans, including predatory payday and auto title lending, harmful debt collection practices, economic abuse, and other financial challenges.

Virginia Citizens Counsel Council focuses on consumer pocketbook issues; among the most important are those related to personal finances. The CFPB is the critical agency for effective regulation, enforcement, and consumer education.

Western New York Law Center operates biweekly walk-in consumer law clinics that routinely help consumers submit complaints to the CFPB and other regulatory agencies.

Woodstock Institute advances economic justice and racial equity within financial systems through research and advocacy at the local, state, and national levels. The CFPB establishes and enforces rules of the road that are a critical part of our regulatory ecosystem. Undermining the CFPB would create critical gaps in the protections currently enjoyed by residents in the various states, including Woodstock's home state of Illinois.

II. THE PERSPECTIVE OF AMICI CURIAE IS DISTINCT AND RELEVANT.

The proposed amicus brief will benefit the Court by offering the distinct perspective of consumer advocacy groups about the importance of the CFPB's role in protecting the financial stability of the U.S. economy and the financial security of vulnerable American consumers. The brief also explains how the executive branch's decision to unilaterally and unlawfully dismantle an agency created by Congress violates the separation of powers.

In the brief, amici demonstrate the significant systemic risks that a shutdown of the CFPB creates for the financial stability of the U.S. economy by greenlighting the risky behaviors that led to the Bureau's creation. In particular, the brief explains how the absence of an adequately staffed Bureau hinders the CFPB's ability to identify abusive market practices, deter noncompliance, and quietly resolve emerging risks. Amici also describe the anticipated impact of the Bureau's closure on vulnerable American consumers.

Further, amici explain that the executive branch's attempt to eliminate a congressionally enacted agency violates the separation of powers and presents fundamental constitutional questions that warrant en banc review.

Amici curiae therefore present new information and arguments in a case of profound importance and relevance to American consumers. The proposed brief is acutely relevant to the disposition of this case.

CONCLUSION

For the foregoing reasons, the motion for request to file the proposed brief of amici curiae should be granted.

Dated: October 6, 2025

Respectfully submitted,

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